



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aladar Szalay *et al.* Art Unit : 1633
Serial No. : 10/849,664 Examiner : Kelly, R.
Filed : May 19, 2004 Cust. No. : 20985
Conf. No. : 7765
Title : LIGHT-EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS AND
THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR INFLAMED
TISSUE

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION AND PRELIMINARY AMENDMENT

Dear Sir:

Responsive to the Office Action mailed October 4, 2005 (hereinafter, the "Office Action"), setting forth a requirement for restriction and an election, Applicant elects group I, claims 3-12, 14, 15, 20-27, 30 and 32, as well as linking claims 1 and 2, without traverse. Applicant further elects species in which the protein capable of inducing a detectable signal is a luciferase or the signal is detectable by magnetic resonance imaging (MRI), the bacterium is *Vibrio cholerae*, and the disease is coronary artery disease. Applicant additionally chooses species in which the stem cell is autologous, the enzyme causes digestion of debris and the vector is a BAC. Applicant also amends the claims as provided herein.

Amendments to the claims are set forth in the Listing of Claims, which begins on page 2.

Remarks/Arguments begin on page 7 of this paper.

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I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Paula Schoeneck
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